

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 2425 of 2007(L)

PETITIONER:

JOSEPH ALIAS JOY, S/O.VAREETH,
VADECKAL HOUSE, THAIKATTUKARA P.O., ALUVA.

BY ADV. SRI.T.RAJESH

RESPONDENTS:

1. TAHSILDAR,
TALUK OFFICE, ALUVA.
2. THE SUPERINTENDENT,
SURVEY AND LAND RECORD, COLLECTORATE, ERNAKULAM.
3. THE DEPUTY DIRECTOR OF SURVEY,
KAKKANAD, ERNAKULAM.
4. CHOORNIKKARA GRAMA PANCHAYAT,
CHOORNIKKARA REPRESENTED BY ITS SECRETARY.

R1 TO R3 BY ADV. SRI. MATHEW G. VADAKKEL, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 2425 OF 2007

Dated this the 22nd day of January, 2007

JUDGMENT

Having gone through the averments in the Writ Petition and the various documents placed on record, I am of the view that the issue will have to be resolved by a competent Civil Court. Ext.P5 is the lawyers notice already caused to the Panchayat in contemplation of a civil suit. Learned counsel submits that the petitioner is obliged in view of Section 249 of the Panchayat Raj Act to wait a period of one month. I find force in that submission of the learned counsel. Accordingly even as I dispose of the Writ Petition relegating the petitioner to seek redressal of his grievance from a competent Civil Court, there will be a direction to the respondents not to take any action pursuant to Exts.P2 and P3 for a period of one month from today.

The Writ Petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

btt

